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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,267	10/24/2005	Yoshinari Takemura	59349.00043	2724
32294 759		EXAMINER		
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR			ARCE DIAZ, MARLON A	
8000 TOWERS O TYSONS CORN			ART UNIT	PAPER NUMBER
	•		3611	
			MAIL DATE 12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

•		Application No.	Applicant(s)				
Office Action Summany							
		10/554,267	TAKEMURA ET AL.				
	Office Action Summary	Examiner	Art Unit				
	7	Marlon A. Arce-Diaz	3611				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status	·						
1)⊠	Responsive to communication(s) filed on 24 C	ctober 2005.					
2a) <u></u> □	This action is FINAL . 2b)⊠ This action is non-final.						
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	ion of Claims						
4)🖂	4) Claim(s) 1-14 is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)	5) Claim(s) is/are allowed.						
	6)⊠ Claim(s) <u>1,3,4 and 12-14</u> is/are rejected.						
	Claim(s) 2 and 5-11 is/are objected to.						
8)	Claim(s) are subject to restriction and/c	or election requirement.					
Application Papers							
9)[The specification is objected to by the Examine	er.					
10)	The drawing(s) filed on is/are: a) _ acc	epted or b) objected to by the	Examiner.				
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:							
1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
4 *							
Attachmen	t(s) ce of References Cited (PTO-892)	4) Interview Summary	(PTO-413)				
2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail D	ate				
3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 10/24/05. 5) Notice of Informal Patent Application 6) Other:							

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DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claim 12 recites the limitation "fourth rotary shaft motor" in line 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

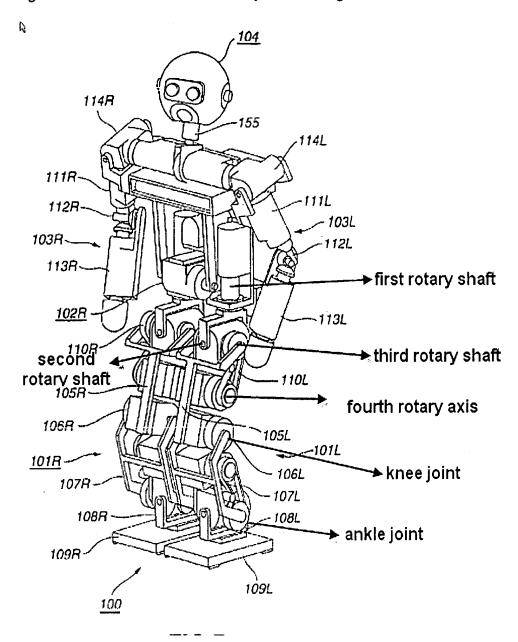
A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1,3,4,13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hattori (US 6802382). Hattori discloses a robot moving on legs and control method comprising: a robot comprising a hip joint (Fig below) with a first rotary shaft (Fig below) that is the hip yaw axis (16), a second rotary shaft (Fig below) that is the hip roll axis (18), a third rotary shaft (Fig below) that is the hip pitch axis (17) and a fourth rotary Shaft (Fig below) that results in a degree of freedom; Hattori further discloses a knew joint (Fig below) and an ankle joint (Fig below). {{Examiner likes to point out that the figure seen below is indeed figure 7 in Hattori's}}. Regarding claim 3, the fourth rotary

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shaft is in not parallel to the yaw axis as seen below. Regarding claim 4, the fourth rotary shaft is placed forwardly of the first shaft as seen in figure 8. Regarding claim 13, figure 8 also shows the first rotary shaft being offset in the direction of the roll axis.



Information Disclosure Statement

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3. The information disclosure statement filed 10/24/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Allowable Subject Matter

- 4. Claims 2 and 5-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 5. Claim 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuroki (US 7113849). Kuroki discloses an ambulation control apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon A. Arce-Diaz whose telephone number is (571) 272-1341. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marlon Arce-Diaz

12/7/07

MAA

CESTEY D. MORRIS

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